

## FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 18, 1879. }

The Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

The following letter was received from his excellency the governor, which was ordered read:

AUSTIN, January 17, 1879.

*Hon. Wells Thompson, President of the Senate:*

SIR—The following extract from a personal letter to me from Hon. R. S. Guy, this day, you will please read to the Senate, as requested by the absent senator.

Respectfully, R. B. HUBBARD.

“LANCASTER, TEXAS, January 15.

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“Please say to the honorable Senate I hope to be in my seat by the last of next week—say about the 23d or 24th instant.

“R. S. GUY.”

The following telegram was received from the committee appointed by the Legislature to meet the congressional committee having in charge the remains of the late Hon. Gustave Schleicher, etc., through Senator Houston, which was ordered read:

DALLAS, TEXAS, January 17, 1879.

*Hon. Wells Thompson, Lieutenant Governor, and Hon. John H. Cochran, Speaker of the House of Representatives:*

Your committee received congressional committee with remains of Hon. Gustave Schleicher at 3 P. M. to-day. The family of deceased request that he be interred in San Antonio, and we accordingly proceed to that point.

A. W. HOUSTON, *for Committee.*

Senator Brown presented the memorial of George A. King, a citizen of Falls county, asking for relief as one of the sureties on the bond of B. F. Scogin, sheriff of Falls county in the year 1871. Said sheriff was a defaulter, and judgment was rendered against him and each of his sureties at the city of Austin, for the full amount of his bond, \$7400. The said King avers he has paid \$1000, the full amount of property he owns above his homestead, and that the other securities have paid nothing, and that the principal is insolvent, etc. Accompanying this is a petition of several of the citizens and county officers of Falls county asking that the request of Mr. King be granted.

Memorial and petition read and referred to judiciary committee No. 2.

Senator Davenport, chairman of committee on public printing, made the following report:

*Hon. Wells Thompson, President of the Senate:*

Your committee on public printing, to whom was referred resolution and substitute in regard to newspapers or daily journals publishing the proceedings of the Legislature, have had the same under consideration, and instruct me to report back the following substitute for both resolutions and recommend its adoption:

*Resolved*, That the sergeant-at-arms of the senate be and he is hereby instructed to subscribe for five hundred (500) copies of the daily *Statesman*, and in addition thereto fifteen (15) copies for each senator of such daily papers publishing said proceedings as the senators may select, at a cost not to exceed four (4) cents per copy; *provided*, that if said other journals cannot be had at the price designated, he may subscribe for the *Statesman* for the full amount of one thousand (1000) copies, said papers to be equally distributed among the members of the Senate.

J. H. DAVENPORT, *Chairman*.

Resolution adopted.

Senator Stewart, chairman judiciary committee No. 2, submitted the following report:

*Hon. Wells Thompson, President of the Senate:*

Your judiciary committee No. 2, to whom was referred Senate bill No. 11, "An act to amend 'an act fixing the time of holding the district courts in the seventh judicial district of the State of Texas,' approved August 16, 1876," have instructed me to report the same back and recommend its passage with the following amendments, viz:

WHEREAS, The district court of Gregg county will be holden on the third Monday after the second Monday in January, 1879, thereby creating an imperative public necessity for the immediate enactment of a law changing the time of holding the district courts of the seventh judicial district of the State of Texas; therefore.....

STEWART, *Chairman*.

Senator Hobby introduced a bill entitled "An act requiring persons taking causes to the supreme court and court of appeals to make a deposit to cover the costs in said courts."

Read by caption and referred to judiciary committee No. 2.

Senator Gooch introduced a bill entitled "An act to create and provide for execution liens on land."

Read by caption and referred to judiciary committee No. 2.

Senator McCulloch offered the following resolution:

WHEREAS, The election law has been found to be very defective in many important particulars, excluding citizens from voting the State ticket who chance to be absent from home, thereby doing great injustice to the citizen; and no compensation made for judges of the election while exacting their continuous service night and day; and no provision made for reporting to the clerk of the county court duplicate tally lists as it should, so that official results may be known immediately after the election; therefore be it

*Resolved*, That restrictions be imposed against repeating at the polls; and that a law or an amendment to the constitution be made requiring the pre-payment of a \$2 poll tax, to be paid ten days previous to the day of election, to enable the suffragan to vote.

Read and referred to committee on constitutional amendments.

Senator McCormick introduced a bill entitled "An act supplemental to and amendatory of an act entitled 'an act concerning factors and commission merchants,' approved February 11, 1860, and which took effect April 10, 1860."

Read by caption and referred to the committee on commerce and manufactures.

Senator Ledbetter introduced a bill entitled "An act to provide for

making it the duty of incorporated towns and cities to keep in repair their streets and bridges and to relieve the inhabitants thereof from road duty."

Read by caption and referred to judiciary committee No. 2.

Senator Duncan introduced a bill entitled "An act to amend section 6 of an act entitled 'an act to regulate taxation and to fix the rate of the same, passed at the session of the Fifteenth Legislature in 1876.'"

Read by caption and referred to the committee on finance.

On motion of Senator Stewart the rules were suspended and Senate bill No. 11, entitled "An act to amend an act entitled 'an act fixing the times of holding the district courts of the seventh judicial district of the State of Texas,' approved August 16, 1876," together with the report and accompanying amendments of the committee, were taken up.

On motion of Senator Stewart the report of the committee was adopted.

Bill read second time and ordered engrossed by the following vote:

YEAS.

Blassingame,	Gooch,	Motley,
Brown,	Hobby,	Patton,
Buchanan,	Homan,	Ripetoe,
Burnett,	Lair,	Stewart,
Burton,	Ledbetter,	Shannon,
Davenport,	McCormick,	Swain,
Duncan,	McCulloch,	Terrell,
Ford,	Moore,	Tilson—24.

NAYS—none.

On motion of Senator Stewart the rules were further suspended and the bill placed on its third reading by the following vote:

YEAS.

Blassingame,	Hobby,	Patton,
Buchanan,	Homan,	Ripetoe,
Brown,	Lair,	Stewart,
Burnett,	Ledbetter,	Shannon,
Davenport,	McCormick,	Swain,
Duncan,	McCulloch,	Terrell,
Ford,	Moore,	Tilson—23.
Gooch,	Motley,	

NAYS—none.

Bill was then read third time and passed by the following vote:

YEAS.

Blassingame,	Gooch,	Motley,
Brown,	Hobby,	Patton,
Buchanan,	Homan,	Ripetoe,
Burnett,	Lair,	Stewart,
Burton,	Ledbetter,	Shannon,
Davenport,	McCormick,	Swain,
Duncan,	McCulloch,	Terrell,
Ford,	Moore,	Tilson—23.

NAYS—none.

On motion of Senator Terrell the rules were suspended to offer joint resolution granting leave of absence to Walter Acker, district attorney of the seventeenth judicial district.

Read and referred to judiciary committee No. 2.

(Senator Brown in the chair.)

Senator Gooch introduced a bill entitled "An act providing for the transportation of convicts under contract from counties in which they are convicted to the penitentiary."

Read by caption and referred to judiciary committee No. 2.

On motion of Senator Duncan the Senate adjourned to 9 o'clock A. M., Monday morning.

#### SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 20, 1879. }

The Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

Journal of Saturday read and adopted.

Senator Davenport presented a memorial from citizens of the unorganized county of Jones, stating that said county is attached to Shackelford county for judicial purposes and to Palo Pinto county for surveying purposes, and praying to be detached from said counties and attached to Taylor county for both purposes. Referred to judiciary committee No. 1.

Senator Stewart, chairman of judiciary committee No. 2, offered the following reports:

*Hon. Wells Thompson, President of the Senate:*

Your judiciary committee No. 2, to whom was referred Senate bill No. 4, entitled "An act prescribing the times of holding the district courts in the third judicial district," have duly considered the same, and I am instructed by said committee to report said bill back to the Senate with their recommendation of its immediate passage.

STEWART, *Chairman.*

*Hon. Wells Thompson, President of the Senate:*

Your judiciary committee No. 2, to whom was referred Senate bill No. 8, entitled "An act to repeal an act to levy a tax on the privilege of keeping and harboring dogs, and to provide for the assessment and collection of the same," approved August 19, 1876, beg leave to report that they have duly considered the same, and I am instructed by a majority of the committee to report the bill back to the Senate with their recommendation that it do not pass.

STEWART, *Chairman.*

Senators Homan, Gooch and Ledbetter, from said committee, submitted the following minority report:

*Hon. Wells Thompson, President of the Senate:*

The undersigned members of judiciary committee No. 2, cannot agree with the decision of the majority of said committee in reporting adversely upon Senate bill No. 8, to repeal "An act to levy a tax on the privilege of keeping or harboring dogs, and to provide for the assessment and collection of the same." The act in question operates oppressively upon a worthy class of citizens, in that it subjects them to vexatious and expensive criminal prosecutions. As a police measure it is believed to be a failure, and the revenue derived from the tax therein levied is only about \$10,000 for the past year, which amount is collected almost entirely from the poorer classes. This tax is also believed to be wrong in principle,